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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,420	04/10/2001	Guy Debras	F-736 DIV	1189
7590	04/06/2004		EXAMINER	
Fina Technology, Inc. P.O. Box 674412 Houston, TX 77267-4412			DOROSHENK, ALEXA A	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/832,420	<b>Applicant(s)</b> DEBRAS, GUY	
	<b>Examiner</b> Alexa A. Doroshenk	<b>Art Unit</b> 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13, 14 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 12, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/484,481.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17-22 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the configuration of preliminary and main reactors as illustrated in the figure, does not reasonably provide enablement for all possible different configurations of reactors. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. It is well established that there must be a reasonable correlation between the scope of the exclusive right granted to a patent applicant and the scope of the enablement set forth in the patent application. *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970).

### ***Claim Objections***

3. Claims 17-22 are objected to because of the following informalities: In line 4 of claim 17 "having a different configuration that said main reactor," is recited. There appears to be a typo. Possibly "that" should be "than". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 13, 14, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Platz (5,034,195).

With respect to claims 11 and 17, Platz discloses an apparatus for the gas phase polymerization of olefins comprising a main reactor (40) having an inlet (64) for receiving gaseous olefin monomer (col. 9, lines 1-5) and an outlet (66) for outputting the product, polyethylene (col. 10, lines 24-31), and a preliminary reactor (10) connected (via 72 and 70) to a second inlet (74) of the main reactor (40), the preliminary reactor (10) being arranged to be operable in the gas phase (col. 1, lines 8-10 and col. 2, lines 36-39) and having at least one respective inlet for receiving catalyst (22/23) and at least one treatment agent (20/34) (col. 3, lines 27-34) and a respective outlet (24) for releasing waste gases (col. 3, lines 20-22) from the preliminary reactor (10).

While the preliminary reactor (10) and main reactor (40) are of a similar configuration, they have different configurations in that preliminary reactor (10) has intermediate transfer line (70) connected through the bottom of the reactor with outlet (72) and main reactor (40) has intermediate transfer line (70) connected through the top of the reactor with an inlet (74).

With respect to claims 13 and 19, it can be seen in figure 1 of Platz that the main reactor (40) is of a loop-type in that a loop is formed by elements 40, 54, 56, 58, 60, 62 and 50.

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With respect to claims 14 and 20, Platz discloses that more than two reactors can be used (col. 3, lines 54-60).

***Allowable Subject Matter***

6. Claims 12, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art neither teaches nor suggests an apparatus for producing polyethylene comprising a gas-phase preliminary reactor and a liquid phase main reactor.

***Response to Arguments***

Specification

The objection to the specification is withdrawn due to applicant's amendment.

35 USC 102 Rejection

Applicant's arguments filed January 12, 2004 have been fully considered but they are not persuasive.

Applicant argues that the preliminary reactor of Platz fails to disclose an outlet for releasing waste gases from the preliminary reactor (10) because the waste gases are sent from the cyclone (26) to the bottom of the reactor (10).

The examiner notes that the claims are given their broadest interpretation. In this case, even though the waste gases are eventually recycled back to the reactor (10) in the Platz reference, for the time that they are in lines 24, 28, and 20 as well as in

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cyclone 26, compressor 30 and heat exchanger 32, they are not in the reactor and therefor read on being released from the preliminary reactor.

Applicant argues that the preliminary reactor (10) of Platz does not have a different configuration as that of the main reactor (40).

While the preliminary reactor (10) and main reactor (40) are of a similar configuration, they have different configurations in that preliminary reactor (10) has intermediate transfer line (70) connected through the bottom of the reactor with outlet (72) and main reactor (40) has intermediate transfer line (70) connected through the top of the reactor with an inlet (74).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

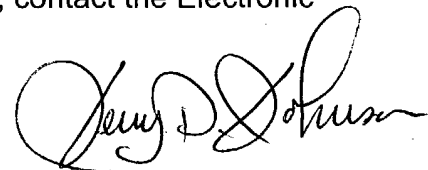
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexa A. Doroshenk whose telephone number is 571-272-1446. The examiner can normally be reached on Monday - Thursday from 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JERRY D. JOHNSON  
PRIMARY EXAMINER  
GROUP 1100

1300

AAD  
March 31, 2004